

at greater risk of developing and dying from cancer than other ethnic or regional groups? The NIH-supported study will track more than 100,000 participants over five years to determine what lifestyle factors may be related to higher cancer rates for minorities and all residents in our region.

As these examples indicate, NIH is providing help and hope to millions of Americans today. Without the appropriate funding, however, future discoveries like these may be threatened.

In each of the past five years, NIH funding has increased by 14-15%. Last year, during congressional hearings, NIH leadership said the current pace of medical breakthroughs could only be maintained if NIH funding continues to grow at a level of 8-10%. Yet the House and Senate Conference Committee is expected to support the Bush Administration's NIH request: an increase of just 2.7%.

Like Patty Corlew, I am a cancer survivor. I was fortunate to discover my cancer early. And I am blessed to live in a community where cutting-edge cancer research and treatment is something we almost take for granted.

The examples described here of research being conducted at Vanderbilt-Ingram and Meharry are only three out of many promising studies currently underway at each institution. And Vanderbilt-Ingram and Meharry are not alone in working at the frontier of cancer research. More than 80% of NIH funding now goes to support research conducted at universities around the country.

In the next few weeks, Congress will be asked to decide the future direction of NIH work, whether the pace of disease exploration should continue at the aggressive level of recent years. In these tough economic times, every budget decision must be evaluated carefully. We must consider not only costs, but potential return on each taxpayer dollar we commit.

How do you measure the value of good health and quality of life?

As a member of the House Budget Committee, I am very concerned about the current trend in government spending. I strongly believe we cannot continue to ignore the rising deficit. But I also believe we cannot turn our backs on the progress currently being made in medical research. On the issue of NIH fund, I stand with Patty Corlew.

Mr. BELL. Mr. Speaker, I yield 3 minutes and 15 seconds to the gentleman from Maryland (Mr. HOYER), the distinguished whip of the minority party.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to the distinguished whip of the Democratic Party.

Mr. Speaker, our Republican colleagues, in my opinion, should review the work of Sir Isaac Newton. It was Newton, after all, who wrote 4 centuries ago: to every action, there is always opposed an equal reaction. Today we are seeing that principle play out right before our eyes.

Earlier this year, the majority party enacted its third tax cut in 3 years, the most recent one giving America's millionaires an average tax cut of \$93,500. And what do we suppose is the reaction to that action? Underfunding the No Child Left Behind Act by \$8 billion? Yes. Cutting heating assistance for our Nation's poor? Certainly. And the smallest percentage increase in funding for the National Institutes of

Health in 18 years? Indeed, Mr. Speaker, it is true.

The 2.5 percent increase for NIH in the House-passed version of the Labor-HHS-Education appropriation bill, which is the same increase proposed by the Bush administration, pales in comparison to the 15 percent annual increases NIH has received in recent years under our bipartisan program to double the medical research budget. I would say, parenthetically, we actually did not do that. The number got to a double, but because we added \$1.7 billion in additional responsibilities for our biomedical terrorist research, actually we did not reach the double. But the proposed 2.5 percent increase for NIH fails to keep up with inflation in research costs and will not allow for any real increase in research efforts. In other words, this is a retreat.

This appropriation even fails to provide funds to complete the John E. Porter Neuroscience Research Center, which is now under construction on the NIH campus.

Mr. Speaker, the 3.5 percent increase for NIH in the Senate is certainly preferable to what this body passed. But even that 3.5 percent increase would fail to cover the cost of renewing ongoing grants at committed levels and would barely keep pace with inflation. Therefore, Mr. Speaker, I urge my colleagues to support this important motion that the gentleman from Texas (Mr. BELL) has made to instruct offered by our side of the aisle, and the gentleman from Texas (Mr. BELL) in particular, to insist on the highest funding levels possible for NIH. We should not permit, Mr. Speaker, tax cuts for the most affluent Americans to squeeze out funding for research on Alzheimer's, cancer, heart disease, multiple sclerosis, and a host of other health concerns that affect the American people.

Isaac Newton was correct. For every action, there is an opposite reaction. Cutting NIH is that reaction.

Mr. BELL. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, what this comes down to is a question of priorities. There can be no higher priority in the United States of America than our Nation's health. Everybody listening knows the diseases that are impacted by NIH funding. It is no secret. And the gentleman from Ohio has certainly worked diligently over the course of the last 5 years to increase funding for the NIH, but this is not the time to stop. When progress is being made, we should not, as the gentleman from Maryland (Mr. VAN HOLLEN) pointed out, we should not put on the brakes.

If anyone doubts what a priority this is with health organizations across the country, they should know that over 600 major health organizations across the United States are supporting an increase in the NIH budget. The list includes the AARP, the National Academy of Health, Alzheimer's Association, American Academy of Family Physicians, American Academy of Pe-

diatricians, American Association of Blood Banks. I could go on and on, and I would not even be out of the As.

The point is, this motion has wide, wide support in the medical research and educational communities, and they are not going to be satisfied if the conferees come back and say, 2.5 percent is as high of an increase as we can give. They are looking for a much higher degree of funding. The Senate has offered 3.5 percent, but that is not enough. There is no greater priority right now in the United States of America than the health of our fellow citizens.

Mr. Speaker, I encourage my colleagues to continue the bipartisan support for this motion to instruct the conferees to vote in favor of it. I would encourage the conferees to do all they can to raise the level of funding high above the 3.5 percent level.

Mrs. BORDALLO. Mr. Speaker, today I join my colleague's motion to instruct the conferees on the Labor-Health and Human Services and Education appropriations bill to increase funding levels for the National Institutes of Health (NIH) to the highest funding levels possible.

NIH is the recognized leader in medical research and the focal point for health research in our country. Studies funded by the Institutes, have led to advances in the prevention, diagnosis and treatment of many diseases. Still thousands of Americans die every day from five major diseases: heart disease, cancer, stroke, diabetes, and Alzheimer's. Of these, heart disease, diabetes and certain cancers disproportionately affect minority populations. Additional research is necessary to understand the impact of these and other diseases that affect our minority communities and to develop cures and identify behavioral interventions that are effective at prevention. We are more aware today that research is needed to understand the impact of these diseases on our minority communities. We must increase funding to continue current research and development and to allow for new projects. In doing so, we give hope to all those afflicted with disease.

The SPEAKER pro tempore (Mr. KLINE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. BELL).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. LINCOLN DIAZ-BALART of Florida (during debate on motion to instruct conferees on H.R. 2660), from the

Committee on Rules, submitted a privileged report (Rept. No. 108-352) on the resolution (H. Res. 434) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

**MOTION TO INSTRUCT CONFEREES  
ON H.R. 6, ENERGY POLICY ACT  
OF 2003**

Mr. FILNER. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FILNER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to reject section 12403 of the House bill, relating to the definition of oil and gas exploration and production in the Federal Water Pollution Control Act.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from California (Mr. FILNER) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume. I rise today to speak on this motion to instruct the conferees on the energy bill.

Mr. Speaker, sometimes the Republican Party is called the GOP. Well, I often wondered what that meant. It is clear from this energy bill that it means gas, oil and petroleum. And my motion would instruct the conferees to strike a section of H.R. 6 which represents a shameless payback to the oil and gas companies of this Nation.

This section, if my colleagues can believe it, Mr. Speaker, grants oil and gas companies a free pass from complying with the Clean Water Act, a free pass from complying with one of the major environmental laws that was passed in the 1970s. Under this section, oil and gas development and production sites, oil and gas development and production sites and construction sites do not have to worry about what their activities are doing to our water supply. No other industry in America gets this exemption; only the oil and gas development and production industry. And, they are under no obligation to control storm water runoff that would sully our beautiful lakes, rivers, and streams, and they suffer no consequences.

It must be nice for the oil and gas companies to have friends like that in Congress and in the White House, especially when these friends are members of the majority party, the GOP, gas, oil and petroleum, who, rather than dealing with the messy process we so often revere here and hold up as a model of democracy in the world, simply block out all those who would disagree with

them. Heaven forbid anybody would bring up objections about the health of our water, not to mention the health of our people. The majority party, gas, oil and petroleum, has blocked out any dissenters right from the beginning on this bill.

One of my colleagues, the gentleman from Massachusetts (Mr. MARKEY), tried to introduce an amendment to strike this section, but he was ruled out of order and, get this, because the Committee on Energy and Commerce said it was not under their jurisdiction, but it was under the jurisdiction of the Committee on Transportation and Infrastructure, but that Committee on Transportation and Infrastructure never considered the bill. Talk about a Catch-22. And attempts to remove it on the floor of this House were thwarted by the Committee on Rules.

It is widely acknowledged that the majority did not allow the minority to participate, even in the conference committee, where the Senate and House meet to deal with their differences. So there was never a chance for honest debate of this section. This is what we call as a model for the world, a democracy.

So what do we have now, Mr. Speaker? A situation where oil and gas companies will be able to pollute our waters so that our children and grandchildren will not be able to use them. Our waters will be spoiled, our health will be threatened, but that is okay. We do not need clean water anyway, as long as we have our oil. And any suggestions that we invest more in renewable energies or in cleaner energies all were thrown out, and the handouts to the oil companies just keep getting bigger and bigger.

Right now, I encourage my colleagues to stop this insult to the environment and to the democratic process. We ought to vote "yes" on this motion to instruct and not to let the oil and gas companies pollute our waterways, and we should let the Nation know that we care about clean water.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to instruct filed by the gentleman from California (Mr. FILNER) seeks to remove section 12403 of H.R. 6, the pending energy bill in conference with our counterparts in the other body, the provision that passed the Committee on Energy and Commerce and the House as a whole. The motion to instruct would seek to have the House conferees reject the provision that the House has already adopted when we passed H.R. 6 on April 11 by a vote of 247 for the bill to 175 against the bill. That is approximately a 60 percent vote in support of the overall package.

Section 12403 in the context of the Federal Water Pollution Control Act, which we commonly refer to as the Clean Water Act, defines oil and gas ex-

ploration and production to mean "all field operations necessary for both exploration and production of oil and gas, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such activities may be considered construction activities."

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Why do we need to have a definition in this energy bill? Section 402(1)(2) of the Clean Water Act specifically prohibits the administrator of the EPA from requiring a Federal stormwater discharge permit for discharges of stormwater runoff from, again, I quote directly from the act, "oil and gas exploration, production, processing, or treatment operations or transmission facilities composed entirely of flows which are from conveyances or systems of conveyances, including, but not limited to, pipes, conduits, ditches, and channels, used for collecting and conveying precipitation runoff and which are not contaminated." This has been the law since 1987.

In plain language what it means is the EPA has no regulatory authority over waste water in the construction or the operation of a drilling rig in the United States. This has been the law since 1987. The statutory language seems clear that any matter of stormwater collection, whether it is a ditch, a culvert under a road, a diversion channel around an oil and gas well location, does not have to be permitted by the EPA. We could not be more clear. But the EPA has sought to regulate the building of the oil and gas location sites by insisting on National Pollutant Discharge Elimination System, NPDES, permits, commonly referred to as stormwater discharge permits for the construction of the site.

So even the EPA will admit that once it is built and in operation, they have no jurisdiction. So they are trying to do a back-door, an end-around and say you have to get a permit to construct the site. That simply is not the intent of the Congress. It was not the intent of the Congress 10, 15 years ago; and it is not the intent of this Congress. It is a direct contravention of the intent of Congress.

The requirement for a stormwater discharge permit is in direct opposition to Congress that the EPA attempts to separate the movement and placement of drilling equipment from oil and gas exploration and production operations. Applying common sense, which sometimes is in short supply, I understand, but if you apply common sense to the plain meaning of the statute, you would show that activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment are part and parcel of the operation. You cannot have one without the other. Therefore, a statutory exclusion for one totally encompasses the other as well.

The existing statute specifically precludes the requirement for stormwater